(G.C.P.)J 455 (5,00,000)-11.2001) Spl-H.C.,A.S.,C.D.,78e

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
WRIT PETITION NO.6054 OF 2006

Office Notes, Office Memoranda of Coram, appearances, Court's order or directions and Registrar's order.	Court's or Judge's orders

Shri Rahul S.Kate for the petitioner.

CORAM: R.M.S.KHANDEPARKAR
&
V.M.KANADE, JJ

DATED: 11th September, 2006.

P.C.

1. Taken up on board on request.

2. Heard. The no confidence motion passed against the petitioner is sought to be challenged on two grounds. Firstly that no fair opportunity was given in placing the case of the petitioner before the members of Village Panchayat in the no confidence motion proceedings, and secondly that his request for secret ballot was not accepted. Undisputedly, the petitioner did not putforth his case in the no confidence motion proceedings on the assumption that he

may not get fair chance. Merely on such assumption if the petitioner failed to present his case, that itself cannot amount to denial of a fair opportunity to putforth his case. He himself has chosen not to putforth his case, and therefore, he cannot make grievance of failure on the part of the concerned authority to give fair opportunity to the petitioner.

3. As regards the request for secret ballot is concerned, admittedly, there is no such provision in the Bombay Village Panchayat Act or the Rules made thereunder. Both these aspects have been properly considered by the authorities below and the challenge to the no confidence motion has been rejected.

4. Both the authorities below having considered the matter in accordance with the provisions of law, and as there is no error in exercise of jurisdiction by the concerned authorities, there is no case made out for interference in the writ jurisdiction in the orders passed in relation to the no confidence motion proceedings. Hence, the petition is rejected.

(V.M.KANADE,J) (R.M.S.KHANDEPARKAR, J)